

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA

v.

JEZIAH GUAGNO

Case No. 3:22-cr-42-RBD-RMN

REPORT AND RECOMMENDATION

This matter is before the Court on the issue of mental competency of the Defendant. The Court had determined that there was reasonable cause to believe that the Defendant may suffer from a mental disease or defect rendering him mentally incompetent to the extent that he could not understand the nature and consequences of the proceedings against him or to assist in his defense. Dkt. 32 at 1. The Court therefore committed the Defendant to the custody of the Attorney General for treatment and evaluation in a suitable facility. *Id.* at 2.

The Defendant was treated and evaluated by the medical staff at Federal Medical Center Devens (“FMC Devens”). *See* Dkts. 49-2, 51-2. In June 2023, a forensic psychologist at FMC Deven, Dr. Paige Voehringer, issued a report concluding that the Defendant is competent to proceed in this case. Dkt. 51-2. Once the Defendant returned to this district, the Court provided time for the Defendant to engage and be evaluated by his own expert. *See* Dkt. 64 at 2–3.

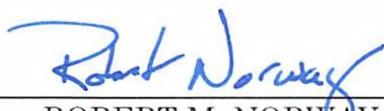
On October 10, 2023, I held a competency hearing. At the hearing, the government proffered Dr. Voehringer's report and asserted that the Defendant is competent to proceed based on the findings in that report. The defense then then stipulated that the Defendant is competent to proceed, made no objection to Dr. Voehringer's report or findings, and chose not to present any evidence on the issue of the Defendant's mental competency to proceed.

Based on my independent review of Dr. Voehringer's report and considering the Defendant's stipulation that he is competent to proceed, I respectfully **RECOMMEND** that the Court find the Defendant is competent to proceed because he is not suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

NOTICE TO PARTIES

A party may file written objections to this Report's proposed findings and recommendations within fourteen days from the date the party is served with this Report. 28 U.S.C. § 636(b)(1)(C). A party waives the right to challenge on appeal a finding of fact or conclusion of law adopted by the district judge if the party fails to object to that finding or conclusion. *See id.* § 636(b)(1); *see also* 11th Cir. R. 3-1.

Date: October 10, 2023



ROBERT M. NORWAY
United States Magistrate Judge

Copies furnished to:

Hon. Roy B. Dalton, Jr.

Counsel of Record